

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:22-cv-00120-MR**

**RICARDO EDWIN LANIER,**

**Plaintiff,**

**vs.**

**C. WYCOFF, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's pro se "Motion to Waive the Thirty Days to Amend the Complaint and to be Issued Three Blank Summons to Proceed..." [Doc. 22].

The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing an incident that allegedly occurred while he was a pretrial detainee at the Henderson County Detention Center. [Doc. 1]. The Complaint passed initial review against Defendant Stone for retaliation, against Defendant Wycoff for the use of excessive force, and against Defendant Soriano for failure to intervene. [Doc. 21]. The remaining claims were dismissed. [Id.]. The Plaintiff was granted 30 days to amend the Complaint. The Plaintiff was informed that, if he failed to amend in a timely

manner, the matter would proceed solely on the claims identified in the Order on initial review. [Id. at 17-18].

In the present Motion, the Plaintiff explains that he does not wish to amend the Complaint, and he asks the Court to provide him with blank summons forms so that the Defendants may be served. [Doc. 22]. The Motion is granted, and the Clerk will be instructed to provide the Plaintiff with blank summons forms.

The Plaintiff shall fill out and return summons forms for service of process on those Defendants within fourteen (14) days of this Order pursuant to Fed. R. Civ. P. 4. Once the Court receives the completed summons forms, the Clerk shall then direct the USMS to effectuate service on Defendants Wycoff, Soriano, and Stone. Failure to timely comply with this Order will result in the dismissal of the relevant Defendant(s) from this action without prejudice and without further notice. Should the Plaintiff fail to return any of the summons forms, the action will be dismissed in its entirety without prejudice and without further notice.

**IT IS, THEREFORE, ORDERED** that:

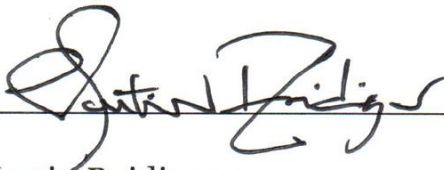
1. The Plaintiff's Motion to Waive the Thirty Days to Amend the Complaint and to be Issued Three Blank Summons to Proceed..." [Doc. 22] is **GRANTED**.

2. The Plaintiff shall fill out and return summons forms for service of process on Defendants Wycoff, Soriano, and Stone, within **fourteen (14) days** of this Order. Failure to timely comply with this Order will result in the dismissal of the relevant Defendant(s), or the dismissal of this action in its entirety, without prejudice and without further notice.
3. Once the Court receives the completed summons forms, the Clerk shall then direct the USMS to effectuate service on Defendants Wycoff, Soriano, and Stone.

The Clerk is respectfully instructed to mail the Plaintiff three blank summons forms and a copy of this Order.

**IT IS SO ORDERED.**

Signed: October 27, 2022

  
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Martin Reidinger  
Chief United States District Judge

